



1 administratively. Doc. #13. After Petitioner exhausted all claims  
2 in state court, see Doc. #14 at 2, the Court granted his motion to  
3 lift the stay and reopened the action. Doc. #21. On October 3,  
4 2011, Petitioner filed the instant second amended petition  
5 containing all exhausted claims. Doc. #22.

7 I

8 Petitioner was sentenced to twenty-six years to life in  
9 state prison following his convictions of first degree murder,  
10 assault on a child causing death and felony child abuse involving  
11 the infliction of great bodily injury on a child under the age of  
12 five. Doc. #22 at 2. The California Court of Appeal affirmed the  
13 judgment in an unpublished opinion, People v. Hill, No. A117040,  
14 2008 WL 2130476 (Cal. Ct. App. May 21, 2008), and the California  
15 Supreme Court denied his petition for review. Id. On December 1,  
16 2010, the California Supreme Court denied an exhaustion petition  
17 filed there. Doc. #14 at 2.

19 II

20 This Court may entertain a petition for a writ of habeas  
21 corpus "in behalf of a person in custody pursuant to the judgment of  
22 a State court only on the ground that he is in custody in violation  
23 of the Constitution or laws or treaties of the United States."  
24 28 U.S.C. § 2254(a). It shall "award the writ or issue an order  
25 directing the respondent to show cause why the writ should not be  
26 granted, unless it appears from the application that the applicant  
27 or person detained is not entitled thereto." 28 U.S.C. § 2243.

Petitioner seeks federal habeas corpus relief by alleging various claims, including there was insufficient evidence to support his convictions, the trial court improperly removed a juror during trial, and the state improperly calculated his time credits. Doc. #22. Liberally construed, these claims appear cognizable under 28 U.S.C. § 2254 and merit an Answer from Respondent. See Zichko v. Idaho, 247 F.3d 1015, 1020 (9th Cir. 2001) (federal courts must construe pro se petitions for writs of habeas corpus liberally).

### III

For the foregoing reasons and for good cause shown,

1. The Clerk shall serve by certified mail a copy of this Order and the second amended petition (Doc. #22), and all attachments thereto, on Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this Order on Petitioner.

2. Respondent shall file with the Court and serve on Petitioner, within sixty (60) days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted. Respondent shall file with the Answer and serve on Petitioner a copy of all portions of the state trial record that have been transcribed previously and that are relevant to a determination of the issues presented in the second amended petition.

If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and serving it on Respondent

1 within thirty (30) days of his receipt of the Answer.

2           3. In lieu of an Answer, Respondent may file a Motion to  
3 Dismiss on procedural grounds, as set forth in the Advisory  
4 Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases.  
5 If Respondent files such a motion, Petitioner shall file with the  
6 Court and serve on Respondent an Opposition or Statement of  
7 Non-Opposition within thirty (30) days of receipt of the motion, and  
8 Respondent shall file with the Court and serve on Petitioner a Reply  
9 within fifteen (15) days of receipt of any Opposition.

10           4. Petitioner is reminded that all communications with  
11 the Court must be served on Respondent by mailing a true copy of the  
12 document to Respondent's counsel. Petitioner also must keep the  
13 Court and all parties informed of any change of address.

14  
15 IT IS SO ORDERED.

16  
17 DATED 11/21/2011



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THELTON E. HENDERSON  
United States District Judge